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# Utah State Legislature

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February 17, 2017

Sen. Allen M. Christensen, Chair  
Rep. Ken Ivory, Chair  
Commission on Federalism  
State Capitol Complex  
Salt Lake City, Utah 84114

Sen. Christensen and Rep. Ivory:

You requested assistance in identifying issues on which Congress might act to restore power to the states. After speaking with the Office of the Lieutenant Governor, staff, and other colleagues, I have one item regarding government operations for your consideration.

Congress formed the Elections Assistance Commission (EAC) in 2002 and gave it authority to develop guidance for states to meet the requirements of the Help America Vote Act (HAVA). Now that states have expended nearly all HAVA funds, some believe the authority of the EAC is obsolete. The National Association of Secretaries of State approved a resolution in 2015 calling for the elimination of the EAC for fear of the EAC "eventually evolving into a regulatory body" that might limit states' authority over elections.<sup>1</sup>

The EAC also certifies voting equipment. While not required, Utah and 45 other states voluntarily rely upon EAC voting equipment certification in some way.<sup>2</sup> Some believe that inefficiencies in the EAC's certification process limit states' control over voting equipment selection.

I therefore submit for your consideration that Congress's elimination of the Elections Assistance Commission may restore power to the states with regards to elections.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Jeremy A. Peterson", written over a horizontal line.

Rep. Jeremy A. Peterson, Chair  
House Government Operations Standing Committee

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<sup>1</sup> National Association of Secretaries of State. Resolution Reaffirming the NASS Position on Funding and Authorization of the U.S. Election Assistance Commission. June 12, 2015. <file:///C:/Users/bbean/OneDrive%20-%20Utah%20Legislature/Temporary/nass-resolution-eac-summer15-.pdf>.

<sup>2</sup> Norden and Famighetti, "America's Voting Machines at Risk," 33. See also Utah Code Ann. § 20A-5-402.5.